

S.B.Civil Writ Petition NO.2194/2005

Bajrang Lal vs Civil Judge (JD), Sri Doongargarh & ors.

DATE OF ORDER : - 15.4.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr. A.K. Khatri, for the petitioner.

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Heard learned counsel for the petitioner.

The petitioner submitted an application under Order 1 Rule 10 C.P.C. for being impleaded as party in a suit which was filed by respondent landlord against the tenant Shri Ram. Shri Ram did not appear in the trial court, therefore, the trial court ordered to proceed ex-parte against Shri Ram. The petitioner's application was rejected by the trial court by the impugned order.

I have considered the submissions of learned counsel for the petitioner.

After careful consideration of the facts of the case, the trial court observed that the petitioner himself produced a rent deed which is alleged to be executed on 1.10.1985 whereas the stamp itself was purchased on 5.11.1985. It will be worthwhile to mention here that it is not a case of execution of the rent deed subsequent for an existing

tenancy but the document itself shows that the document has been executed on 1.10.1985 despite the stamp being purchased on 5.11.1985. All other documents were considered by the trial court.

After going through the facts of the case and the reasons given in the impugned order, I do not find any reason to interfere in the impugned order while exercising writ jurisdiction.

Accordingly, the present writ petition, having no force, is hereby dismissed.

s.phophaliya/-

(Prakash Tatia), J.